

MINUTES

Tennessee Board of Examiners for Land Surveyors

The Tennessee Board of Examiners for Land Surveyors met on January 9-10, 2003, in Room 212 of the Davy Crockett Tower, 500 James Robertson Parkway, 2nd Floor, Nashville, TN.

THURSDAY, JANUARY 9, 2003 –

Those present were: K. Max Billingsley, Board Chairman; Phillip R. Carter, Board Member; Marshall H. (Pete) Ragan, Board Member; Dave Gilbert, Public Member; Sandra James, Staff Attorney; Donna Moulder, Administrative Director for the Board; and Carol Kennedy, Administrative Assistant for the Board.

Scott Ledford, who will be the Board's new attorney, was also present, along with Lori Medley, Executive Secretary for the Tennessee Association of Professional Surveyors and Bill Burris, Investigator for the Tennessee Department of Commerce and Insurance, Division of Regulatory Boards.

The meeting was called to order at 9:15 a.m. by Chairman Max Billingsley.

INFORMAL CONFERENCE – Complaint #200105756 – Carpenter vs. Rudd –

Christopher Rudd, TLS #1842, the respondent in this matter, was present.

Bill Burris reported that on April 16, 2002, he hand-delivered a summons for Mr. Rudd to appear before the Board for an informal conference that was scheduled for July 18, 2002. The informal conference was in reference to a complaint filed against him, to which Mr. Rudd never responded. Mr. Burris stated that all he did was deliver the summons to Mr. Rudd; he made no investigation of the complaint.

Mr. Burris then stated that he understood that the charges against Mr. Rudd are for refusing or ignoring the complaint and ignoring the summons.

Chairman Billingsley stated that the Board asked for an informal conference, scheduled for July, 2002, at which Mr. Rudd failed to appear and there was Board-initiated complaint on motion.

Mr. Burris further stated that on April 23, 2002, he delivered a Cease and Desist to Mr. Rudd due to the fact that he was practicing land surveying without a license. Mr. Burris continued to state that on August 16, 2002, he completed an investigation of Mr. Rudd's actions as an unlicensed surveyor. Mr. Burris said that he had approximately five plats that had been recorded with dates when Mr. Rudd was unlicensed, between January 1, 2002 and April 24, 2002. Mr. Burris went on to say that on October 11, 2002, he delivered a notice of Hearing and Charges to Mr. Rudd for a Formal Hearing that was supposed to have been held on January 8, 2003. Jerry Hodge, an Investigator with the Department of Commerce and Insurance Regulatory Boards Division, delivered the summons to this meeting, as an informal hearing. The Formal Hearing was cancelled.

Mr. Billingsley stated that if Mr. Rudd had appeared before the Board as requested in July, 2002, in regards to the original complaint, the complaint may have been dismissed in a routine manner.

Mr. Rudd made no excuses to the Board and offered his apologies to the Board for his actions and explained the reasons for the actions.

Mr. Billingsley stated that the original complaint that came up was from a member of the public that basically said that there were discrepancies. Mr. Billingsley informed Mr. Rudd that that is not for the Board to judge, as the Board can't investigate to that depth. Mr. Billingsley stated that the problem that the Board saw was a lack of communication.

When asked by Mr. Billingsley if communication was the problem, Mr. Rudd stated that, originally, no, communication did not appear to be a problem. Mr. Rudd stated that he "talked to her on numerous occasions and that the lady who was buying the property from her even came by his office and he sat down and talked to her. I talked to those people dozens of times. And then they just kept on and kept calling and calling and I'm standing behind my survey." Mr. Rudd stated that he "met with them at the property and it just, how much is enough, how many times? When you say the same thing over and over and over again, it gets to a point where you can't get through to them, I guess. So, I just stopped communicating with them."

Mr. Ragan stated, "That in the meantime, the Board is just sitting here not knowing that any of this is going on. We still have the complaint that you haven't responded to."

When asked by Mr. Ragan how he stood with his PDH's to renew his license for 2003, Mr. Rudd replied, "they're here? I faxed them on December 31." Mr. Rudd said hard copies of the PDH's were in his truck. Mr. Rudd also stated that he mailed his check before Christmas.

After further discussion with Mr. Rudd, Max Billingsley made a motion, based on the fact that the Board has prima facie evidence of surveying without a license, in the form of five plats, and report of record by an unlicensed surveyor, the Board knows that to be a violation of the law. Those five plats will be \$1,000 a piece to equal a \$5,000 fine; that the Board would ask for a suspension of the respondent's license for one year, however, the Board would stay that suspension and let the respondent go back to work with a license. Once the respondent is "square" with the administrative part of the Board, and then the Board would release your licenses once you have proof of your continuing education up to speed and once you have paid your 2003 license renewal fee. The Board would then stay that one year suspension, provided that the Board gets prompt and continuous communication from the respondent when it is asked for. Failure to do that would remove the stay on the suspension and the suspension would be invoked immediately. The Board would also remove the stay if the Board did not get Mr. Rudd's renewal notice for 2003 on time with all of the PDH's and all of the money back in before December 31. Mr. Billingsley stated that if Mr. Rudd allows his license to lapse one more time, then the stay would be invoked. Mr. Billingsley also stated that the stay was also based upon the Board not getting anymore complaints filed against Mr. Rudd from the public concerning Mr. Rudd's conduct or in his practice of surveying. If another complaint against Mr. Rudd is received by the Board, then the stay is removed and the Board would suspend Mr. Rudd's license immediately. Phil Carter seconded the motion.

Mr. Ragan made a suggestion to amend the original motion to say if any valid complaints are received against Mr. Rudd and the Board determines that there is a violation of the law.

Mr. Billingsley then amended his original motion by stating that no more valid complaints that are in violation of the law, as determined by the Board, are to be received against Mr. Rudd. Phil Carter seconded the amendment. The motion carried unanimously.

Mr. Billingsley asked that the staff attorney prepare a Notice of Agreed Order and if the respondent will accept that and get all of his continuing education and pay his renewal fee and pay the fines, at that point in time, the Board would release his license for 2003.

The Board gave Mr. Rudd 90 days upon receipt of the Agreed Order in which to pay his \$5,000 fine.

The Board then determined that the original complaint #2001005756 – Carpenter vs. Rudd was not within the jurisdiction of the Board. Max Billingsley made a motion to dismiss the complaint. Pete Ragan seconded the motion. The motion carried unanimously.

NEW BUSINESS:

The Board then discussed an e-mail received via TAPS from Curt Sumter, Director of the American Congress of Surveying and Mapping, regarding “ExpressMap” from First American Title Company. None of the “ExpressMap” plats are stamped and are considered “drive-by” surveys.

The Board’s advice to TAPS is, if any “ExpressMaps” are obtained, send them to the Board requesting review of “ExpressMap” documentations. The Board wants to see deeds, etc. supporting their maps. The Board would also like to define their policy with regards to “ExpressMaps.” Max Billingsley stated that the Board considers this practicing land surveying without a license and that is the Board’s policy on this matter.

The Board elected to ask Mark Trivette, TLS #1526 (expired) to appear before the Board for chronically failing to renew his license in a timely manner.

Peter Messier, proctor and administrator of the Land Surveyors examination, was present to discuss the Tennessee specifics (TLS) portion of the exam. Mr. Messier informed the Board that 101 examinees took the TLS portion of the exam with only 26 examinees passing the TLS exam.

The Board then reviewed the scores of the October 2002 examination. Pete Ragan made a motion to approve the scores from the NCEES and to accept the passing cutoff of raw scores as recommended by Peter Messier on the Tennessee Specifics of Land Surveying examination. Phil Carter seconded the motion. The motion carried unanimously.

Minutes of the September 5-6, 2002 meeting were reviewed.

The following complaints were discussed under old business:

Complaint #200209177 – Sandra James informed the Board that this complaint has been sent to investigations for an investigator to obtain

documentation proving that the respondent was indeed in bankruptcy and/or the bankruptcy has been discharged.

Complaint #200206868 – Sandra James informed the Board that this complaint has been sent to investigations so that an investigator can obtain a response from the respondent. Max Billingsley made a motion to have the staff attorney follow up on this complaint and/or refer it back to Board so that the Board can ask for a Notice of Hearing and Charges. The attorney is to report to the Board on what action has been taken at the next meeting. Pete Ragan seconded the motion. The motion carried unanimously.

Complaint #200104410 – Pete Ragan made a motion to have the attorney report on this complaint at the next meeting. Dave Gilbert seconded the motion. The motion carried unanimously.

Pete Ragan made a motion to approve the September 5-6, 2002 minutes as amended. The motion was seconded by Phil Carter. The motion carried unanimously.

NEW BUSINESS:

Sandra James, Staff Attorney, then presented the following complaints for review:

Complaint #199901701 – Pete Ragan made a motion to close this complaint due to the death of the licensed surveyor in charge of the respondent's work. Phil Carter seconded the motion. The motion carried unanimously.

Complaint #200210323 – Pete Ragan made a motion to issue Consent Order to the respondent offering a fine of \$100.00 for the violation of the Tennessee Standards of Practice. Phil Carter seconded the motion. The motion carried unanimously.

Complaint #200003035 – Pete Ragan made a motion to administratively close this complaint at the recommendation of the staff attorney due to the death of the respondent. Phil Carter seconded the motion. The motion carried unanimously.

Complaint #199900864 – Pete Ragan made a motion to accept the staff attorney's recommendation and dismiss this complaint. Phil Carter seconded the motion. The motion carried unanimously.

Complaint #200207892 – Phil Carter made a motion to ask the licensed surveyor and the unlicensed surveyor in this matter to appear before the Board for an informal conference. Pete Ragan seconded the motion. The motion carried unanimously.

Complaint #200105865 – Phil Carter made a motion to send this complaint to Investigations so that they can try to find out what is going on “down there.” Pete Ragan seconded the motion. The motion carried unanimously.

The Board has finally received a medical response from the doctor of Shorty Freeland, TLS #1018. An informal conference with Mr. Freeland will be scheduled for the next meeting.

Phil Carter made a motion to flag David Parsons, TLS #1693, file and not renew his license for 2003 until such time as the Board has positive communication with the respondent. Pete Ragan amended the motion to say that if Mr. Parsons has renewed for 2003, the Board will consider the complaint at a future meeting. The Board needs a current mailing address on Mr. Parsons. Pete Ragan seconded the original motion. The motion carried unanimously.

The next meetings were scheduled for March 4-6, 2003, April 10-11, 2003, May 8-9, 2003, June 5-6, 2003 and July 10-11, 2003.

There being no further business the meeting was adjourned at 4:30 p.m.

FRIDAY, JANUARY 10, 2003

Those present were: K. Max Billingsley, Chairman; Phillip R. Carter, Board Member; Marshall H. (Pete) Ragan, Board Member; Donna Moulder, Administrative Director for the Board; and Carol Kennedy, Administrative Assistant Director for the Board.

The Board met this day to sign applications.

There being no further business, the meeting was adjourned at 1:30 p.m.

Respectfully submitted,

Donna Moulder
Administrative Director

K. Max Billingsley, Chairman

Phillip R. Carter

Marshall H. (Pete) Ragan

Dave B. Gilbert

MINUTES - January 9-10, 2003 Land Surveyors Board Meeting

RESULTS OF OCTOBER 2002 LAND SURVEYORS EXAMINATION

October 25-26, 2002

Murfreesboro, TN

PASSED

Alan Thomas Barnard
Alan Haniszewski
Douglas A. Koonce
Rodney J. McCarter
Dennis P. McClure
David M. North
Kevin Edgar Pitts
Michael Earl Strange
Kevin Scott Cagle (PLSIT)
Corbin Lawson Caruthers (PLSIT)
Christopher Blake Sexton (PLSIT)
John Wesley Johnson, Jr.
Lawrence Kevin Morehead
Bryan Westich
Marvin Thomas Wright
Stanley Glynn King
Anthony Jordan Melton
Jimmy Alan Moore
David Adam Parker
Larry Paul Atkinson
Daniel Bailey
Stephen E. Brant
Jackie Glenn Duncan
Brian Eugene Walker

FAILED

Mark W. Bates
Howard G. Blankenship
Noah Phillip Bobo, Jr.
Scottie G. Brewer
Stanley Briggs
Brian J. Brown
Jason Kyle Carmack
Gary Scott Carter
Jeffrey P. Chandler
William E. Crenshaw
Joe Alan Cummings
Buddy Ray Curtis
Joseph F. Dodson
William J. Duke, Jr.
Autrey E. Dye, Jr.
James D. Edwards
Clint Thomas Elliott
Martin Figura
Joseph B. Garrett
Derek E. Gernt
Charles Troy Halliburton
Charles T. Johnson, Jr.
Jeffrey A. Leopard
James P. Lueking
Russell Lee Matthews
Brian Alan McCain
Edward D. Miller, Jr.
Larry K. Moore
Barry Paul Murphy
Jerran Tod Owens
Charles Daniel Parker
James Ray Radford
Anthony S. Richmond
Ronald Glenn Rikard
Phillip Edmond Roberts
Barry Orville Smith

RESULTS OF OCTOBER 2002 LAND SURVEYORS EXAMINATION

October 25-26, 2002

Murfreesboro, TN

PASSED

FAILED

Kenneth C. Spencer
Piroschka Lynn Spencer
Christopher Henry Stem
James Tuck Tinsley
Ronald Gene Taylor
Conley L. Warren
Jeffery John Whitson
Carlen Jay Wiggins, Jr.
George Warren Williams
Jonathan Wayne Willis
Jeffrey Carl Blanton
Arthur Michael Dial (PLSIT)
Douglas Eric Jones
Steven E. Malone (PLSIT)
Victor Eugene Morris (PLSIT)
Bryan Randall Armstrong
Billy Joe Berger
Wanis A. Rghebi
John Christopher Sexton
Jason J. Stivers
James G. Terry
Robert Lamar Barnett II
Knox Tull Smith III
Jerry Bryant Bradley
Wesley C. Dishon
Timothy Albert Henry
Timothy Blaine Mounts
Christopher Sean Pugh
James Phillip Walkoviak
Christopher Nolan Billingsley
Todd Edward Bishop
Dwight Crutchfield
Matthew Webster Curry
John Mark Gamble
Michael S. Greene
Lucas Thomas Hartley

RESULTS OF OCTOBER 2002 LAND SURVEYORS EXAMINATION

October 25-26, 2002

Murfreesboro, TN

PASSED

FAILED

Thomas Kenneth Harvey
James M. Hutcheson
Bobbie Jo Lowe
Michael Jason Moore
Marvin James Nunley
Andrew Johnathon Pirtle
Bryan Christopher Zeigler
Jon Bretton Adcock
Robert Leon Crabtree
Keith Dwight Crowe
Richard Lee Dayton
Wesley Shane Floyd
David K. Foster
Ernest Peter Galati
Ronald Tracy Godwin
Roger Hilton Harrah
Brian Elbert Hicks
Harvey A. McKaig
George F. McLaughlin III
James Daniel Mort
Jonathan Franklin
Murphy
Larry Alex New
Quenton Scott Pulliam
Steven Robinson
Aaron Smith
Clarence Timothy Smith
William Thomas Smith
William H. Sommerville III
Ricky A. Tosh

